



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

C-14J

AUG 4 2004

EPA Region 5 Records Ctr.



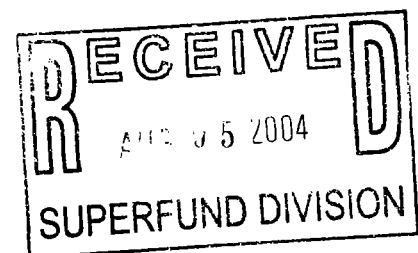
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MEMORANDUM

SUBJECT: Citizen Suit Under CERCLA
FROM: *for Deloris Johnson*
Jacqueline Miller
Associate Regional Counsel
TO: Richard C. Karl, Acting Director
Superfund Division

The Office of Regional Counsel has received the attached notice for a citizen suit. Please review the notice to determine whether U.S. EPA is taking or intends to take enforcement action at the referenced facility or site and convey your determination to me via memorandum (C-14J) or telephone (886-7167), or to Deloris Johnson, telephone (886-6806). Enforcement action initiated by U.S. EPA at the facility or site prior to sixty days after receipt of the attached notice may preclude the citizen suit.

cc: Bertram Frey
Eric Cohen



SIDLEY AUSTIN BROWN & WOOD LLP



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WRITER'S DIRECT NUMBER
(312) 853-7404

WRITER'S E-MAIL ADDRESS
jaschlickman@sidley.com

June 17, 2004

Certified Mail, Return Receipt Requested

To: See Attached Distribution List

Re: Soil/Groundwater Contamination
Ellsworth Industrial Park, Downers Grove, Illinois
Notice of Suit under CERCLA, RCRA, and State Laws

Dear Sir/ Madam:

This letter gives notice that Ames Supply Company, of Lisle, Illinois (hereafter "Ames") intends to bring suit against you under provisions of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Resource Conservation and Recovery Act (RCRA), and applicable state laws, including violations of state law, and common law causes of action.

Comprehensive Environmental Response, Compensation and Liability Act

Please be advised that pursuant to CERCLA, 42 U.S.C. 9659, Ames intends to sue you as a potentially responsible party and/or for violations of CERCLA and applicable regulations. Specifically, you are or were the owner or operator of a facility in Ellsworth Industrial Park from which hazardous substances have been released to soils and/or groundwater. At some prior time or presently, you or a predecessor caused or allowed the release of hazardous substances into soils and groundwater at the facility, or you otherwise fall within the provisions set forth at Section 107 of CERCLA, 42 U.S.C. 9607. The contamination remains and continues to migrate onto property formerly occupied by Ames in Downers Grove, Illinois, and onto downstream locations. Ames intends to sue you for all necessary response costs consistent with the National Contingency Plan.

Additionally, Ames may bring an action against you for violation of Section 103(a) of CERCLA, 42 U.S.C. 9603(a). You were the person in charge of an onshore facility and have failed to notify the National Response Center of a release of a hazardous substance.

See Attached Distribution List

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Ames may bring actions under CERCLA in 60 days and will pursue all applicable remedies and relief available under CERCLA.

Resource Conservation and Recovery Act

Please be advised that pursuant to Section 7002 of RCRA, 42 U.S.C. 6972, Ames intends to sue you for violations of RCRA and applicable regulations, and for contributing to conditions which may present an imminent and substantial endangerment to health or the environment. Specifically, you are or were the owner or operator of the property or otherwise contributed to the contamination. There may be other hazardous wastes, solid wastes or regulated substances which were also released at your property or properties that present or may present an imminent and substantial threat to public health and the environment. Hazardous wastes and/or solid wastes and/or regulated substances have not been properly handled, stored, or disposed of pursuant to the requirements of RCRA and the regulations promulgated thereunder. The hazardous wastes and/or solid wastes and/or regulated substances remain and continue to migrate onto the Ames property and downstream locations.

Ames may bring an action pursuant to 42 U.S.C. 6972(a)(1)(A) in 60 days and an action pursuant to 42 U.S.C. 6972(a)(1)(B) in 90 days.

State Claims

This notice also serves as your notice of Ames's demand for removal and ejection of your contaminants from the Ames property. The toxic and dangerous chemicals from your facility have migrated across property boundaries and are now located in the groundwater under the Ames facility. Ames hereby demands that, within 10 days, you remove all solvents and other chemicals, compounds that migrated from your facility. Upon the expiration of this 10-day period, Ames will pursue state claims, including but not limited to negligence, nuisance, trespass, continuing intentional trespass and violation of the Illinois Environmental Protection Act.

Conclusion

The above claims may be combined with other federal or state statutory or regulatory actions, and with other common law actions. If we do not reach settlement with you before the notice periods of 60 and 90 days expire, Ames will bring suit against you in federal court. I have been retained to represent Ames in this matter. If you have any questions or would like to discuss this matter further, please contact me.

Respectfully yours,


J. Andrew Schlickman

See Attached Distribution List

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Attachment

cc: Hon. Michael Leavitt, Administrator, USEPA
Hon. Bharat Mathur, Acting Regional Administrator, USEPA
Hon. John Ashcroft, Attorney General, U.S. Department of Justice
Hon. Renee Cipriano, Director, IEPA
Hon. Lisa Madigan, Attorney General, State of Illinois
Hon. Rod Blagojevich Governor, State of Illinois
(all via certified mail)

Mr. Michael O. Leavitt
Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W., 1101A
Washington, D.C. 20460

Mr. Bharat Mathur
Acting Regional Administrator
United States Environmental Protection Agency Region V
77 West Jackson Boulevard
Chicago, IL 60604-3507

Hon. John Ashcroft
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Hon. Renee Cipriano
Director
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Hon. Lisa Madigan
Attorney General
State of Illinois
100 West Randolph Street
12th Floor
Chicago, IL 60601

SIDLEY AUSTIN BROWN & WOOD LLP

CHICAGO

See Attached Distribution List
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Hon. Rod R. Blagojevich
Governor of the State of Illinois
100 West Randolph Street
Suite 15-200
Chicago, IL 60601

DISTRIBUTION LIST

Ann Muniz, et al. v. Rexnord Corp., et al.
Case No. 04C-2405

Company Address	Address of Registered Agent
Ace Hardware 1528 Brook Dr. Downers Grove, IL 60515	Ace Hardware c/o Registered Agent 701 Brazos St., Suite 1050 Austin, TX 78701 Ace Hardware c/o Rita D. Kahle 2200 Kensington Court Oak Brook, IL 60523-2100
Arrow Gear Co. 2301 Curtiss St. Downers Grove, IL 60515	Arrow Gear Co. c/o Stephen E. Gehring 1900 Firstier Bank Bldg. 233 South 13 th St. Lincoln, NE 68508 Arrow Gear Co. c/o James Pielsticker 2301 Curtiss St. Downers Grove, IL 60515-4055
Artec Industries, Inc. 5402 Janes Ave. Downers Grove, IL 60515	Artec Industries, Inc. c/o Dorothy Sjogren 20338 Brentwood Livonia, MI 48152
Bales Mold Service 2824 Hitchcock Ave. Downers Grove, IL 60515	Bales Mold Service c/o Gene McCullough 323 E. Jackson Harlingen, TX 78550 Bales Mold Service c/o Michael J. Bales 2824 Hitchcock Ave. Downers Grove, IL 60515-4016

Bison Gear & Eng. Corp. 3850 Ohio Ave. St. Charles, IL 60174	Bison Gear & Eng. Corp. c/o Guy E. Snyder 222 N. LaSalle St., Suite 2400 Chicago, IL 60601
Brennan Engineering Corp. 5235 Katrine Ave. Downers Grove, IL 60515	Brennan Engineering Corp. c/o Scott Brennan 1421 SW 17 th St. Boca Raton, FL 33486
Bridges Electric, Inc. 99 Bolton Sullivan Drive Heber Springs, AR 72543	Bridges Electric, Inc. c/o Michael Irwin 407 W. Searcy St. Heber Springs, AR 72543 Bridges Electric, Inc. c/o Alan S. Gratch 525 W. Monroe St., Suite 1600 Chicago, IL 60606-3665
Contemporary Control Systems, Inc. 2431 Curtiss St. Downers Grove, IL 60515	Contemporary Control Systems, Inc. c/o Thomas J. Sisul 5120 Main St. Suite 3 Downers Grove, IL 60515
CVP Systems, Inc. 2518 Wisconsin Ave. Downers Grove, IL 60515	CVP Systems, Inc. c/o Illinois Corporation Service 801 Adlai Stevenson Drive Springfield, IL 62703-4261
Damon Laboratories 515 Ogden Ave. Downers Grove, IL 60515	
Diamond Power Specialty Company 2600 East Main Street P.O. Box 415 Lancaster, OH 43130-0415	Diamond Power Specialty Company c/o CT Corporation System 208 S. LaSalle St., Suite 814 Chicago, IL 60604-1101

<p>Dicke Tool 1201 Warren Ave. P.O. Box 518 Downers Grove, IL 60515</p>	<p>Dicke Tool c/o CT Corporation System 314 E. Thayer Ave. P.O. Box 400 Bismarck, ND 58502-0400</p> <p>Dicke Tool c/o Grant Dicke 1201 Warren Ave. Downers Grove, IL 60515</p>
<p>Downers Grove Radiator 1517 Ogden Ave. Downers Grove, IL 60515</p>	<p>Downers Grove Radiator c/o Michael A. Spada 1513 Ogden Ave Downers Grove, IL 60515-2737</p>
<p>Downers Grove Reporter 922 Warren Ave. Downers Grove, IL 60515</p>	<p>Downers Grove Reporter c/o Chester J. Winter Jr. 922 Warren Ave. Downers Grove, IL 60515-3600</p>
<p>Downers Grove Sanitary District 2710 Curtiss St. Downers Grove, IL 60515</p>	<p>Downers Grove Sanitary District c/o Registered Agent 2710 Curtiss St. Downers Grove, IL 60515</p>
<p>DuPage Mfg. Co. 2250 Curtiss St. Downers Grove, IL 60515</p>	<p>DuPage Mfg. Co. c/o Prentice Hall Corp. 33 North LaSalle St. Chicago, IL 60602-2607</p>
<p>DynaGear, Inc. 2500 Curtiss St. Downers Grove, IL 60515-4058</p>	<p>DynaGear, Inc. c/o CT Corporation System 1200 S. Pine Island Rd. Plantation, FL 33324</p> <p>DynaGear, Inc. c/o Robert A. Schuman 222 S. Riverside Plaza #850 Chicago, IL 60606-5901</p>
<p>Elite Electronic Engineering Inc. 1516 Centre Circle Downers Grove, IL 60515-1082</p>	<p>Elite Electronic Engineering Inc. c/o James C. Klouda 1516 Centre Circle Downers Grove, IL 60515</p>

Flavorchem Corp. 1525 Brook Dr. Downers Grove, IL 60515-1024	Flavorchem Corp. c/o Salvatore R. Sprovieri 1525 Brook Drive Downers Grove, IL 60515-1024
Flexible Steel Lacing Co. 2525 Wisconsin Ave. Downers Grove, IL 60515	Flexible Steel Lacing Co. c/o Leroy W. Meyer 2525 Wisconsin Ave. Downers Grove, IL 60515
Fusibond Piping Systems Inc. 2615 W. Curtiss Downers Grove, IL 60515	Fusibond Piping Systems Inc. c/o Richard H. Krause 2615 W. Curtiss Downers Grove, IL 60515
General Battery Corp. 1516 Brook Dr. Downers Grove, IL 60515	General Battery Corp. c/o Registered Agent 1111 W. Long Lake, Suite 300 Troy, MI 48098 General Battery Corp. c/o CT Corporation System 208 S. LaSalle St., Suite 814 Chicago, IL 60604-1101
Graphics Plus, Inc. 1808 Ogden Ave. Lisle, IL 60532-1501	Graphics Plus Inc. c/o Cheryl Luque 2608 Rothland Plano, TX 75023 Graphics Plus Inc. c/o Richard J. Hejna 1808 Ogden Ave. Lisle, IL 60532
Grayhill Moldtronics, Inc. 703 Rogers St. Downers Grove, IL 60515	Grayhill Moldtronics, Inc. c/o C. Andrew Miriani 40 Shuman Blvd. Suite 150 Naperville, IL 60563
Grove Printing, Inc. 1247 Warren Ave. Downers Grove, IL 60515-3548	Grove Printing, Inc. c/o Jack W. Grove 400 South 6th St. Waco, TX 76706-1112

Hollister-Stier Laboratories, Inc. 2201 Curtiss St. Downers Grove, IL 60515	Hollister-Stier Laboratories, Inc. c/o CT Corporation 520 Pike St. Seattle, WA 98101
International Piping Services Co. 2424 Wisconsin Ave. Downers Grove, IL 60515	International Piping Services Co. c/o CT Corporation 208 S. LaSalle St., Suite 814 Chicago, IL 60604-1101
Johnson Printers 2659 Wisconsin Ave. Downers Grove, IL 60515-4244	Johnson Printers c/o Curtis Edwin Johnson 750 W. New Haven Ave. Melbourne, FL 32901
Lindy Manufacturing Co. 5200 Katrine Ave. Downers Grove, IL 60515	Lindy Manufacturing Co. c/o Cathy G. Collins 6S167 Canterbury Court Naperville, IL 60540
Lockformer Co./ Met-Coil Systems Corp. 711 Ogden Ave. Lisle, IL 60532-1399	Lockformer Co./ Met-Coil Systems Corp. c/o Randy Stodola 711 Ogden Ave. Lisle, IL 60532
Lovejoy, Inc. 2655 Wisconsin Ave. Downers Grove, IL 60515	Lovejoy, Inc. c/o Chris Lovejoy 5455 Hewitt Place Way King George, VA 22485-3754 Lovejoy, Inc. c/o Thomas R. Brininger 2655 Wisconsin Ave. Downers Grove, IL 60515
Magnetrol International Inc. 5300 Belmont Rd. Downers Grove, IL 60515	Magnetrol International Inc. c/o Judy G. Stevenson 5300 Belmont Rd. Downers Grove, IL 60515
Maple Grove Automotive, Inc. 2315 Maple Ave. Downers Grove, IL 60515	Maple Grove Automotive, Inc. c/o William A. Benson 2315 Maple Ave. Downers Grove, IL 60515

Moldtronics, Inc. 703 Rogers St. Downers Grove, IL 60515-3799	Moldtronics, Inc. c/o C. Andrew Miriani 40 Shuman Blvd. Suite 150 Naperville, IL 60563
Molex Fiber Optics Inc. 5224 Katrine Ave. Downers Grove, IL 60515	Molex Fiber Optics Inc. c/o Mark Margolin 2222 Wellington Court Lisle, IL 60532
Morey Corporation 100 Morey Drive Woodridge, IL 60517	Morey Corporation c/o Richard R. Morey 100 Morey Drive Woodridge, IL 60517
Norwood Marking Systems 2538 Wisconsin Ave. Downers Grove, IL 60515-4293	Norwood Marking Systems c/o Jack Campbell 2538 Wisconsin Ave. Downers Grove, IL 60515 Norwood Marking Systems c/o Prentice Hall Corporation 33 North LaSalle Street Chicago, IL 60602-2607
Packard Instrument Company Inc. 2200 Warrenville Rd. VC 421460 Downers Grove, IL 60515	Packard Instrument Company Inc. c/o CT Corporation 1 Commercial Plaza Hartford, CT 06103 Packard Instrument Company Inc. c/o CT Corporation 208 S. LaSalle St., Suite 814 Chicago, IL 60604-1101
Precision Brand Products, Inc. 2250 Curtiss St. Downers Grove, IL 60515	Precision Brand Products, Inc. c/o Raymond Luchetti 3500 Wolf Road Franklin Park, IL 60131-1321

Principal Manufacturing Corp. 2800 S. 19 th Ave. Broadview, IL 60155 Principal Manufacturing Corp. 5400 Janes Ave. Downers Grove, IL 60515	Principal Manufacturing Corp. c/o Norman S. Lynn 660 LaSalle Pl., Suite 3A Highland Park, IL 60035
Rexnord (Plant #1) 2400 Curtiss St. Downers Grove, IL 60515	Rexnord (Plant #1) c/o CT Corporation System 225 Hillsborough St. Raleigh, NC 27603
Rexnord (Plant #2) 2232 Wisconsin Ave. Downers Grove, IL 60515	Rexnord (Plant #2) c/o CT Corporation System 225 Hillsborough St. Raleigh, NC 27603
RHI Holdings, Inc./ Fairchild Corporation 1750 Tyson's Blvd. Suite 1400 McLean, VA 22102	RHI Holdings, Inc./ Fairchild Corporation c/o CT Corporation System 1200 South Pine Island Road Plantation, FL 33324
Scot, Inc. 2525 Curtiss St. Downers Grove, IL 60515	Scot, Inc. c/o Dave Hainfeld 103 North Curson Ave. #19 West Hollywood, CA 90046 Scot, Inc. c/o Seth M. Hemming 30 S. Wacker Drive, 29 th Floor Chicago, IL 60606
Spannagel Tool & Die Co. 2732 Wisconsin Ave. Downers Grove, IL 60515	Spannagel Tool & Die Co. c/o Brian Spannagel 336 E. Walnut St. Roselle, IL 60172

Tricon Industries, Inc. 5000 Chase St. Downers Grove, IL 60515-4013	Tricon Industries, Inc. c/o Henry Wu 20277 Valley Blvd, Suite H Walnut, CA 91789 Tricon Industries, Inc. c/o Ralph W. Grandle 1600 Eisenhower Lane #200 Lisle, IL 60532
Vaughan Seed Co. 5300 Katrine Ave. Downers Grove, IL 60515	Vaughan Seed Co. c/o CT Corporation System 319 S. Coteau Pierre, SD 57501-3108
William Helwig 5400 S. Janes Ave. Downers Grove, IL 60515-4234	William Helwig c/o Registered Agent 250 Pine St. Millersburg, PA 17061